



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 20, 1990

Mr. Ernest A. Emerson
State Fire Marshal
State Board of Insurance
1110 San Jacinto
Austin, Texas 78701-1998

OR90-554

Dear Mr. Emerson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10619.

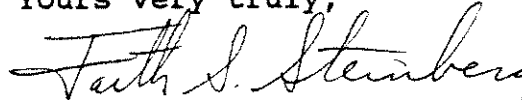
You have received a request for, inter alia, information concerning the number of people taking both parts of the portable fire extinguisher examination on August 14, 1990, the total number who passed the examination, and the number of people attending for retesting purposes. You claim that this information should be excepted from disclosure, referencing your claim to a prior request this office dealt with in Open Records Letter Ruling OR90-462. You feel that the information requested is unavailable because these statistics have not been compiled, and assert that a requestor-conducted search of the raw data to derive the statistics would compromise a confidentiality interest.

We find that you are mistaken in your interpretation of Open Records Letter Ruling OR90-462. Although the act does not require you to prepare new information such as these statistics, Open Records Letter Ruling OR90-462 clearly states that you are required to allow the requestor to examine the raw data to derive the statistics himself, as long as confidentiality interests would not be jeopardized by his doing so. See Attorney General Opinion JM-672 (1987); Open Records Decision No. 452 (1986); Open Records Letter Ruling OR90-462. OR90-462 further states that the raw scores of identified test candidates are not confidential, citing Open Records Decision No. 441 (1986). Therefore, you are required to allow the requestor to examine the raw data submitted to us to derive the information he seeks. The documents we have examined do not reveal which applicants were being re-tested; if other

documents would reveal this information, you must allow the requestor to examine them as well.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-554.

Yours very truly,



Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FSS/le

Ref.: ID# 10619

Enclosure: Open Records Decision No. 441

cc: Pete Greco
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